

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ELIZABETH COX,
Plaintiff,

V.

LOIS GARASSINO and
CENTRAL HAULING COMPANY
Defendants.

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Civil Action No. 1:21-cv-00180

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COMES NOW CENTRAL HAULING COMPANY, one of the Defendants in the above-entitled and numbered cause, and file its Notice of Removal, and would respectfully show unto the Court as follows:

I.
PROCEDURAL HISTORY

1. Plaintiff filed suit in Cause No. 20-2029-C368, in the 368th Judicial District Court of Williamson County, Texas on or about December 29, 2020. Defendant Central Hauling Company (“Central”) was served on January 26, 2021. Defendant Central filed a timely answer on February 22, 2021.

3. Defendant Central files this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

II.
NATURE OF THE SUIT

4. Plaintiff alleges that on or about July 13, 2020 , she sustained damages as a result of a motor vehicle accident that occurred on IH-35 in Williamson County, Texas.

5. According to Plaintiff's Original Petition, Plaintiff is a citizens of the State of Texas and resident of Williamson County, Texas. *See* Plaintiff's Original Petition, ¶¶ 2.1-2.2.

6. At all relevant times, Defendant Louis Garassino was a citizen of the State of Tennessee, with a domicile at the time of the alleged incident of 3216 Highway 79, Indian Mound, Tennessee. *See* Plaintiff's Original Petition, ¶¶ 2.4-2.5.

7. At all relevant times, Defendant Central Hauling Company was a foreign company with its principal place of business in the state of Arkansas. *See* Plaintiff's Original Petition, ¶¶ 2.6-2.7.

III. **BASIS FOR REMOVAL**

8. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendants.

9. Plaintiff is an individual who resides in Williamson County, Texas.

10. Defendant Garassino is an individual who at the time the lawsuit was filed, and at the time of the Defendant's Notice of Removal, was domiciled in the state of Tennessee. At all relevant times, Defendant Garassino established his citizenship and residence in the State of Tennessee where he currently lives. Defendant Central Hauling Company is a company incorporated under the laws of the State of Arkansas whose principal place of business has at all relevant times been maintained in the state of Arkansas, as admitted in Plaintiff's Original Petition.

11. As conveyed in Plaintiff's Original Petition, the amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and attorneys' fees. *See* Plaintiff's Original Petition, ¶ 1.3 (seeking monetary damages exceeding \$200,000 but less than \$1,000.000).

IV.

VENUE AND JURISDICTION

12. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

13. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. § 1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

V.

**NOTICE OF REMOVAL
IS PROCEDURALLY CORRECT**

14. Defendant Central has attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (See **Exhibit A**, Index of Matters Being Filed)

VI.

JURY DEMAND

15. Plaintiff made a demand for a jury trial in State District Court. Defendant Central also made a demand for a jury trial in State District Court.

VII.

NOTICE TO STATE COURT

16. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

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By: /s/ Lynn S. Castagna
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner(s) indicated below:

VIA FACSIMILE and/or VIA E-MAIL

Zachary Tritico
DANIEL STARK, PC
PO Box 1153
Bryn, TX 77806
(979) 846-8686

and in accordance with the Federal Rules of Civil Procedure, on the 23rd day of February 2021.

/s/ Lynn S. Castagna
Lynn S. Castagna